

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

| | | |
|------------------------------|---|------------------------|
| IN THE MATTER OF THE REQUEST |) | |
| FOR REVIEW BY: |) | CHARGE NO.: 2009SF0810 |
| |) | EEOC NO.: 21BA83160 |
| MARY R. TRIMAR |) | ALS NO.: 09-0742 |
| |) | |
| Petitioner. |) | |

ORDER

This matter coming before the Commission by a panel of three, Commissioners Munir Muhammad, Diane M. Viverito, and Nabi Fakroddin, upon Mary R. Trimar's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent")¹ of Charge No. 2009SF0810; and the Commission having reviewed all pleadings filed in accordance with 56 Ill. Admin. Code, Ch. XI, Subpt. D, § 5300.400, and the Commission being fully advised upon the premises;

NOW, WHEREFORE, it is hereby **ORDERED** that the Respondent's dismissal of the Petitioner's charge is **SUSTAINED** on the following ground:

EXPIRATION OF INVESTIGATORY PERIOD

In support of which determination the Commission states the following findings of fact and reasons:

1. On September 17, 2008, the Petitioner filed a charge of discrimination with the Respondent. The Petitioner alleged in her charge that J.C. Penny Corporation ("Employer") demoted her to a part-time position and reduced her hours because of her race, Black (Counts A and C), in violation of Section 2-102(A) of the Illinois Human Rights Act ("Act"), and that the Employer retaliated against her for having engaged in protected activity (Counts B and D), in violation of Section 6-101(A) of the Act.
2. On September 17, 2009, the Respondent's 365-day time period to investigate the Petitioner's charge of discrimination expired.

¹ In a Request for Review Proceeding, the Illinois Department of Human Rights is the "Respondent." The party to the underlying charge requesting review of the Department's action shall be referred to as the "Petitioner."

3. On September 18, 2009, the Respondent sent the Petitioner a letter informing her that she had from September 19, 2009, through December 17, 2009, to file a Complaint of Civil Rights Violation ("Complaint") with the Commission.
4. On November 6, 2009, the Petitioner filed a Complaint with the Commission.
5. On November 19, 2009, the Respondent dismissed the Petitioner's charge pursuant to Section 7A-102(G)(3) of the Act, and sent the Petitioner notice of the dismissal. The notice informed the Petitioner of her right to file a request for review of the dismissal.
6. On December 21, 2009, the Petitioner filed this timely Request. The Petitioner makes no argument in support of her Request.
7. In its Response, the Respondent asks the Commission to sustain its dismissal of the Petitioner's charge pursuant to Section 7A-102(G)(3) of the Act.

CONCLUSION

The Commission concludes that the Respondent properly dismissed the Petitioner's charge. Pursuant to Section 7A-102(G)(3) of the Act, the Respondent was required to dismiss the Petitioner's charge once the Respondent's time period to investigate the charge had expired and the Petitioner had filed her Complaint with the Commission. See 775 ILCS 5/7A-102(G)(3) (West 2010).

The Respondent's dismissal of the Petitioner's charge merely terminated the Respondent's investigation of the Petitioner's charge. The Petitioner's timely filed Complaint has not been dismissed and the Complaint remains pending before the Commission.

Accordingly, it is the Commission's decision that the Petitioner has not presented any evidence to show that the Respondent's dismissal of her charge was not in accordance with the Act. The Petitioner's Request is not persuasive.

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

Page 3 of 3

In the Matter of the Request for Review by: Mary R. Trimar

THEREFORE, IT IS HEREBY ORDERED THAT:

The dismissal of the Petitioner's charge is hereby **SUSTAINED**.

This is a final Order. A final Order may be appealed to the Appellate Court by filing a petition for review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and J.C. Penny Corporation, as Respondents with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

STATE OF ILLINOIS

HUMAN RIGHTS COMMISSION

)
)
)

Entered this 14th day of July 2010.

Commissioner Munir Muhammad

Commissioner Diane M. Viverito

Commissioner Nabi Fakroddin